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**SCULLY, SCOTT, MURPHY
& PRESSER****Fax**

To: Examiner Charles H. Sam
Art Unit: 3731 **From:** Paul J. Esatto, Jr.
Registration No.: 30,749

Fax: (571) 273-8300 **Pages:** 5 (including cover sheet)

Phone: **Date:** November 16, 2005

Re: USSN: 10/084,557
 Minoru Tsuruta
 Our Docket: 15226 **CC:**

Urgent **For Review** **Please Comment** **Please Reply** **Please Acknowledge**

The following is being facsimile transmitted to the U.S. Patent and Trademark Office on November 16, 2005:

1. Combined Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences & Petition for Extension of Time Under 37 C.F.R. § 1.136(a) in Dupl.
2. Authorization to Charge Dep. Account 19-1013/SSMP for \$620.00 ✓
3. Certificate of Facsimile

Applicant: Minoru Tsuruta
 Serial No.: 10/084,557
 For: MEDICAL RETRIEVAL INSTRUMENT
 Filed: February 26, 2002
 Docket: 15226
 Dated: November 16, 2005
 PJE:cm

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NOV 16 2005

COMBINED NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES & PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. 1.136(a) (Large Entity)						Docket No. 15226
In Re Application Of: Minoru Tsuruta						
Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.	
10/084,557	February 26, 2002	Charles H. Sam	23389	3731	7971	
Invention: MEDICAL RETRIEVAL INSTRUMENT						
<u>COMMISSIONER FOR PATENTS:</u>						
<p>This is a combined Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences and petition under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of <u>5/16/2005</u> in the above-identified application.</p>						
<p><i>Date</i></p> <p>Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated <u>5/16/05</u> finally rejecting Claim(s) 36-39</p>						
<p>Applicant(s) hereby request(s) an extension of time of (check desired time period):</p>						
<p><input checked="" type="checkbox"/> One month <input type="checkbox"/> Two months <input type="checkbox"/> Three months <input type="checkbox"/> Four months <input type="checkbox"/> Five months</p>						
from: <u>10/19/2005</u>			until: <u>11/19/2005</u> **see next page** <i>Date</i>			
<p>The fee for the Notice of Appeal and Extension of Time has been calculated as shown below:</p>						
<p>Fee for Notice of Appeal: <u>\$500.00</u></p>						
<p>Fee for Extension of Time: <u>\$120.00</u></p>						
<p>TOTAL FEE FOR NOTICE OF APPEAL AND EXTENSION OF TIME: <u>\$620.00</u></p>						
<p>The fee for the Notice of Appeal and extension of time is to be paid as follows:</p>						
<p><input type="checkbox"/> A check in the amount of _____ for the Notice of Appeal and extension of time is enclosed.</p>						
<p><input checked="" type="checkbox"/> Please charge Deposit Account No. <u>19-1013/SSMP</u> in the amount of <u>\$620.00</u></p>						
<p><input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. <u>19-1013/SSMP</u></p>						
<p><input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16, <u>11/17/2005 SSESH1 00000012 191013 10084557</u></p>						
<p><input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17, <u>01 FC:1401 500.00 DA 02 FC:1251 120.00 DA</u></p>						
<p><input checked="" type="checkbox"/> If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. <u>19-1013/SSMP</u></p>						
<p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p>						
<p>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>						

**COMBINED NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES & PETITION FOR
EXTENSION OF TIME UNDER 37 C.F.R. 1.136(a) (Large Entity)**

Docket No.
15226

In Re Application Of: Minoru Tsuruta

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/084,557	February 26, 2002	Charles H. Sam	23389	3731	7971

Invention: MEDICAL RETRIEVAL INSTRUMENT

TO THE COMMISSIONER FOR PATENTS:

This combined Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences and petition for extension of time under 37 CFR 1.136(a) is respectfully submitted by the undersigned:

Signature

Dated: November 16, 2005

Paul J. Esatto, Jr.
Registration No.: 30,749

****Pursuant to a telephone interview with Supervisory Examiner Nguyen on 11/15/05 only a one-month extension of time is required as a Response to Final was filed within two-months.****

Certificate of Transmission by Facsimile*

I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (Fax no. 571-273-8300) on

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Paul J. Esatto, Jr.

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